

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FEDERAL CARBIDE COMPANY,)	
)	
Plaintiff,)	
)	Civil Action No. 3:15-cv-248
v.)	
)	Judge Kim R. Gibson
EXETER CONSTRUCTION, LLC., and)	
DENNIS B. BALLARD,)	
)	
Defendants.)	

**AFFIDAVIT IN SUPPORT OF AMOUNT OF ATTORNEYS' FEES
PLAINTIFF INCURRED IN CONNECTION WITH MOTION TO COMPEL**

I, William D. Wickard, hereby declare as follows:

1. I am over eighteen years of age, have personal knowledge of the matters set forth herein and am competent to testify thereto.
2. I am an attorney with the law firm K&L Gates, LLP and am a member in good standing of the bar of the Commonwealth of Pennsylvania.
3. I am counsel to Plaintiff Federal Carbide Company ("FCC").
4. On September 27, 2016, FCC filed a Motion to Compel [ECF No. 34] Exeter Construction, LLC ("Exeter") and Dennis B. Ballard ("Ballard"; collectively the "Defendants") to respond to FCC's First Set of Interrogatories and First Request for Production of Documents and Things (collectively, the "Discovery Requests").
5. On October 6, 2016, this Court granted FCC's Motion to Compel and entered an Order [ECF No. 35] requiring that: (i) Defendants fully and completely respond to the Discovery Requests within ten days; (ii) Defendants pay the expenses, including attorneys' fees, incurred by FCC to bring the Motion to Compel; and (iii) FCC submit an affidavit detailing the expenses, including attorneys' fees, FCC incurred in connection with bringing the Motion to Compel.

6. FCC incurred \$2,353.50 in attorneys' fees in connection with bringing the Motion to Compel.

7. The attorneys fees FCC incurred to bring the Motion to Compel are shown in the below chart:

Date	Description	Attorney	Time	Hourly Rate	Total
8/17/16	draft letter requesting response to interrogatories and document requests	Michael P. Cotton	0.3	\$270	\$81.00
8/17/16	draft and transmit letter to opposing counsel	William D. Wickard	0.3	\$375	\$112.50
8/23/16	grant discovery extension	Jason L. Richey	0.1	\$475	\$47.50
9/21/16	conference with B. Palumbi regarding discovery	William D. Wickard	0.3	\$375	\$112.50
9/27/16	Draft, revise, edit and file motion to compel	William D. Wickard	3.7	\$375	\$1,387.50
9/27/16	Edit and review motion to compel	Jason L. Richey	0.5	\$475	\$237.50
10/25/16	Draft attorneys' fee affidavit	William D. Wickard	1.0	\$375	\$375.00
TOTAL					\$2,353.50

8. The amount of hours worked and the descriptions of the work listed in the chart were taken from K&L Gates, LLP's billing records which are kept by K&L Gates, LLP in the ordinary course of business.

9. The counsel fees and costs listed in the above chart are fair, reasonable and do not represent duplicative work.

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.



William D. Wickard

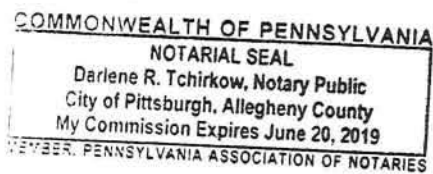
Sworn and subscribed before me

This 26th day of October, 2016



Notary Public

My commission expires:



CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2016, a copy of foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the following individuals and all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

Matthew Jameson, III, Esq.
Robert M. Palumbi, Esq.
Babst, Calland, Clements and Zomnir, P.C.
Two Gateway Center, 7th Floor
603 Stanwix Street
Pittsburgh, PA 15222

The following individual will be served by regular U.S. mail:

Dennis B. Ballard
371 Commerce Street
P.O. Box 347
Cheswold, Delaware 19936

And

415 S. Carter Road
Smyrna, Delaware 19977



William D. Wickard